

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

CURTIS FULTON,

Plaintiff

v.

JEFFREY NEAL, ET AL.,

Defendants.

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CIVIL ACTION NO. 5:24-CV-86-RWS-
JBB

ORDER

Plaintiff Curtis Fulton, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. § 1983 complaining of alleged violations of his constitutional rights. The case was referred to the United States Magistrate Judge in accordance with 28 U.S.C. § 636.

On August 30, 2024, the Magistrate Judge issued a report recommending dismissal of the lawsuit because Plaintiff failed to comply with the Court's July 8, 2024 order instructing Plaintiff to either pay the statutory filing fee or provide an application for leave to proceed *in forma pauperis*. Docket No. 6.

A copy of the report was sent to Plaintiff at his last known address but was returned as undeliverable. Docket No. 7. Local Rule CV-11(d) requires that *pro se* litigants provide the Court with a physical address and are responsible for keeping the Clerk advised in writing of their current physical address. Plaintiff, however, has not advised the Court of his current mailing address or otherwise contacted the Court since August 13, 2024. *See* Docket No. 5. Accordingly, Petitioner has not filed any objections.

Because no objections to the Magistrate Judge's report have been filed, Plaintiff is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual

findings and legal conclusions accepted and adopted by the District Court. *Duarte v. City of Lewisville*, 858 F.3d 348, 352 (5th Cir. 2017).

The Court has reviewed the pleadings in this cause and the report of the Magistrate Judge. Upon such review, the Court has determined that the report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is

ORDERED that the report of the Magistrate Judge (Docket No. 6) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-styled civil action is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute or to obey an order of the Court. Fed. R. Civ. P. 41(b).

So ORDERED and SIGNED this 22nd day of October, 2024.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE